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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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DONNAMAY BROCKBANK, and DENNIS  
L. MOSES,

Plaintiffs,

v.

WELLS FARGO NA, ETITLE INSURANCE  
AGENCY, DAVID E. ADAMS II, and DOES  
1 THROUGH 30,

Defendants.

**MEMORANDUM DECISION  
AND ORDER GRANTING  
DEFENDANTS' [33, 35, & 38]  
MOTIONS TO DISMISS**

Case No. 1:13-cv-00147-DN-BCW

District Judge David Nuffer

Magistrate Judge Brooke Wells

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On June 5, 2014, this Court's memorandum decision and order<sup>1</sup> adopted in its entirety Magistrate Judge Brooke Wells's Report and Recommendation<sup>2</sup> under 28 U.S.C. § 636(b)(1)(B). Plaintiffs' Complaint was dismissed without prejudice. Plaintiffs, however, were given the opportunity to file an Amended Complaint on or before June 25, 2014. Plaintiffs, in their Amended Complaint, were required to correct the deficiencies associated with their original complaint—as set forth in the Report and Recommendation.

Plaintiffs, on June 13, 2014, filed a Statement of Truth Continued,<sup>3</sup> and on July 18, 2014, filed a Continued Complaint.<sup>4</sup> On July 29, 2014, Defendant Wells Fargo filed a motion to dismiss ("Wells Fargo Motion").<sup>5</sup> Defendants David E. Adams II and eTitle Insurance Agency

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<sup>1</sup> Memorandum Decision and Order Adopting Report & Recommendation, [docket no. 30](#), filed June 5, 2014.

<sup>2</sup> Report and Recommendation, [docket no. 16](#), entered February 27, 2014.

<sup>3</sup> [Docket no. 31](#), filed June 13, 2014.

<sup>4</sup> [Docket no. 32](#), filed July 18, 2014.

<sup>5</sup> Wells Fargo Bank N.A.'s Motion and Memorandum in Support of Motion to Dismiss Plaintiffs' Continued Complaint, [docket no. 33](#), filed July 29, 2014.

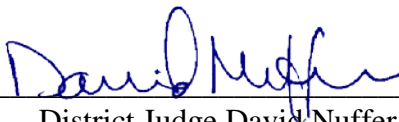
filed, on July 31, 2014 and August 11, 2014 respectively, separate motions<sup>6</sup> to dismiss adopting the statements of fact, arguments, and requested relief set forth in Defendant Wells Fargo's Motion. Plaintiffs, on August 14, 2014, emailed a letter<sup>7</sup> to the court which, if construed liberally, appears to be their response to Defendants' Motions to Dismiss. Plaintiffs, however, do not address the arguments set forth in Wells Fargo's Motion. Instead, Plaintiffs inform the court that Plaintiff Dennis Moses has health issues, and request a stay on a judgment in their case until they find out what is happening with Mr. Moses's health issues.

It is unclear whether Plaintiffs intended for their Statement of Truth Continued to be their Amended Complaint. Even assuming that Plaintiffs' Statement of Truth Continued is their Amended Complaint, and liberally construing the pro se pleading, Plaintiffs have nevertheless failed to correct the deficiencies set forth in the Report and Recommendation. As for Plaintiffs' Continued Complaint, this was filed after the June 25, 2014 court imposed deadline, and is therefore untimely.

For all the reasons set forth in the Report and Recommendation, Defendants' motions<sup>8</sup> to dismiss are GRANTED and Plaintiffs' Statement of Truth Continued and Continued Complaint are DISMISSED WITH PREJUDICE. The Clerk is further directed to close the case.

Signed September 12, 2014.

BY THE COURT

  
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District Judge David Nuffer

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<sup>6</sup> David E. Adams II's Motion to Dismiss Plaintiffs' Continued Complaint, [docket no. 35](#), filed July 31, 2014; Defendant eTitle Insurance Agency's Motion and memorandum to Dismiss Plaintiff[s'] Continued Complaint, [docket no. 38](#), filed August 11, 2014.

<sup>7</sup> August 14, 2014 Email, [docket no. 40](#), filed August 14, 2014.

<sup>8</sup> Docket nos. 33, 35, and 38, filed July 29, 2014, July 31, 2014, and August 11, 2014, respectively.